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September 24, 2007

Via E-Mail

David Riggs
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502 West 6th Street
Tulsa, Oklahoma 74119-1010

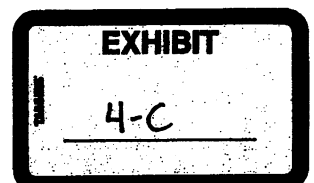
Re: ***State of Oklahoma v. Tyson Foods, Inc., et al.,***
Case No. 05-CV-0329 GKF-SAJ
In the U.S. District Court, Northern District of Oklahoma
Plaintiffs' Continued Refusal to Offer Reasonable Assurances
Regarding Communications With Kerry Kinyon

Dear David:

Again, you have not responded to my correspondence of August 23rd and September 6. Each time I have asked you to provide me clear answers and assurances that plaintiffs will not act to subvert Peterson Farms' privilege, I receive rhetoric and misdirection rather than a response. In your September 6 letter, you state that plaintiffs do intend to take Mr. Kinyon's deposition, which is fine. However, you completely ducked my request that you state unequivocally that plaintiffs agree to have no further communication, written or verbal, with Mr. Kinyon except through formal discovery processes.

Just so we are clear. I believe you are tap-dancing around a very serious ethical and legal issue. Unless you provide me with written assurance of the following, I intend to file a Motion for Protective Order.

- 1) Specifically describe the substance of the communications between plaintiffs' counsel and Mr. Kinyon to date. Your prior correspondence addressed somewhat the nature of the communications, but you have not stated with any precision what Mr. Kinyon has told plaintiffs' counsel;



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- 2) If Mr. Kinyon has provided any documents to plaintiffs, produce them immediately. You are already under an obligation to do so based upon Peterson Farms' prior discovery requests; and
- 3) Do not communicate with or accept any documents from Mr. Kinyon except through formal discovery processes, which provide counsel for Peterson Farms notice and an opportunity to protect its privileges.

I require that you respond to me in writing by no later than the close of business on **Wednesday, September 26** with plaintiffs' answer.

Finally, you can rest assured that Peterson Farms' sole intention in this regard is to put an end to plaintiffs' counsels' improper *ex parte* communication with a former executive who possesses knowledge of privileged matters and attorney work product. We are as aware of our ethical obligations as we are our client's rights. Should we deem it necessary to communicate with Mr. Kinyon, we will do so in accordance with all aspects of the Rules of Professional Conduct.

Best regards

MCDANIEL, HIXON, LONGWELL & ACCORD, PLLC


A. Scott McDaniel

ASM:jlw

cc: Sherry Bartley, Esq.